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Eric Jeffries v. Centre Life Insurance Company

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1 Volume: I
2 Pages: 1 - 76
3 Exhibits: None Marked

4 UNITED STATES DISTRICT COURT
5 SOUTHERN DISTRICT OF OHIO
6 WESTERN DIVISION, AT CINCINNATI

7 -----x

8 ERIC JEFFRIES,

9 Plaintiff, Case No. C-1-02351

10 v.

11 CENTRE LIFE INSURANCE COMPANY,

12 et al,

13 Defendants.

14 -----x

15
16 TELEPHONIC DEPOSITION of CINDI PALMER, a witness
17 called for examination by the Plaintiff, taken
18 pursuant to the Applicable Rules of the State of
19 Ohio, before Laurie K. Langer, Registered
20 Professional Reporter and Notary Public in and for
21 the Commonwealth of Massachusetts, at the Colonnade
22 Hotel, Huntington Avenue, Boston, Massachusetts, on
23 Thursday, February 20, 2003, commencing at 1:00 p.m.

24

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<p>1 Q. What is a good idea?</p> <p>2 A. To go ahead and contact physicians who have been</p> <p>3 involved in the direct evaluation and diagnosis or</p> <p>4 attempted diagnosis of Mr. Jeffries.</p> <p>5 Q. What else did he tell you?</p> <p>6 A. I don't believe there was much else. It was a very</p> <p>7 brief conversation. And I don't have any notes of</p> <p>8 it.</p> <p>9 Q. Have you spoken to him subsequent to that call?</p> <p>10 A. I don't think I have spoken to him subsequent to that</p> <p>11 call.</p> <p>12 Q. Have you written to him at all in reference to</p> <p>13 Mr. Jeffries subsequent to that call?</p> <p>14 A. No, I have not.</p> <p>15 Q. Can you turn to 36 for me, ma'am</p> <p>16 A. Yes. I've turned to 36.</p> <p>17 Q. Thank you. Is the first page of 36, does it contain</p> <p>18 Lance Faniel's signature?</p> <p>19 A. I don't know</p> <p>20 Q. Do you see where it says "Bill Gelardi"?</p> <p>21 A. Yes, I do.</p> <p>22 Q. Do you know whose signature that is beneath there?</p> <p>23 A. I don't know. I wouldn't say for sure whose</p> <p>24 signature it is.</p>	<p>1 Q. The next item on the invoice is one and a half hour</p> <p>2 case conference; did you have a one and a half hour</p> <p>3 conference, verbal communication with Dr. Garb?</p> <p>4 A. Yes.</p> <p>5 Q. Was that before or after he prepared his report?</p> <p>6 A. After.</p> <p>7 Q. What did he tell you in that 90-minute conference?</p> <p>8 A. He discussed his report and his findings.</p> <p>9 Q. What did he tell you?</p> <p>10 A. He told me what is documented in the report.</p> <p>11 Q. Is there anything he told you that's not documented</p> <p>12 in the report?</p> <p>13 A. No.</p> <p>14 Q. Did he suggest to you that he did not believe that</p> <p>15 Mr. Jeffries was disabled?</p> <p>16 A. Would you like me to review the report?</p> <p>17 Q. Can you tell me based on your memory whether he</p> <p>18 suggested to you that he did not believe that</p> <p>19 Mr. Jeffries is disabled?</p> <p>20 A. From memory I don't think we necessarily asked for</p> <p>21 only, any kind of an opinion of disability. We asked</p> <p>22 for a lot of other information from Dr. Garb.</p> <p>23 Q. So you didn't ask him to give an opinion about</p> <p>24 whether Mr. Jeffries was disabled based upon his</p>
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<p>1 Q. Can you turn to the next page please</p> <p>2 A. Yes.</p> <p>3 Q. This appears to be an invoice from Dr. Garb with,</p> <p>4 sent to the attention of you in July of 2000. Do you</p> <p>5 see that?</p> <p>6 A. Yes, I do.</p> <p>7 Q. Are you the person at DMS that engaged Dr. Garb to</p> <p>8 perform a review of Mr. Jeffries' medical records?</p> <p>9 A. I'm the one who made contact with Dr. Garb and helped</p> <p>10 create information to help put together the</p> <p>11 information for his review, yes.</p> <p>12 Q. It suggests that he reviewed the records for five</p> <p>13 hours, performed a literature review for four hours,</p> <p>14 and had a phone call with a physician by the name of</p> <p>15 Donald Craven; do you know who that is?</p> <p>16 A. I believe he is a physician in Boston, Massachusetts</p> <p>17 who had either done research or has expertise in the</p> <p>18 situations of individuals who have had responses of</p> <p>19 some kind to the hepatitis B vaccine. And I know</p> <p>20 this only from again reviewing Dr. Garb's report</p> <p>21 Q. Have you ever spoken to Donald Craven?</p> <p>22 A. I don't think I have. No.</p> <p>23 Q. Have you ever corresponded with him in writing?</p> <p>24 A. No.</p>	<p>1 review of the medical records?</p> <p>2 MR. ELLIS: Objection.</p> <p>3 A. We did ask Dr. Garb if he felt based on the review of</p> <p>4 the medical records if Mr. Jeffries was impaired from</p> <p>5 working and whether he could return to his occupation</p> <p>6 and what time frame.</p> <p>7 Q. Without reference to the report, do you have a memory</p> <p>8 of what he told you during your one and a half hour</p> <p>9 case conference on that issue?</p> <p>10 A. My memory of the case conference was that he</p> <p>11 discussed what he reviewed and what his opinions were</p> <p>12 as documented in the report. I really do not</p> <p>13 remember there was anything additional discussed.</p> <p>14 Q. You can't recall for me anything additional that he</p> <p>15 suggested to you outside of the report?</p> <p>16 A. No.</p> <p>17 Q. I asked you a negative question and you gave me a</p> <p>18 negative response.</p> <p>19 A. Maybe you better ask it again, sir.</p> <p>20 Q. You can't recall Dr. Garb providing you with any</p> <p>21 additional insight which is not included in the</p> <p>22 report; is that correct?</p> <p>23 A. I cannot recall Dr. Garb giving me any additional</p> <p>24 insight other than what he documented in his report.</p>

10 (Pages 34 to 37)